

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROB RINDE,

Plaintiff

NO. 2:07-CV-00348-JLR

vs.

JOINT STATUS REPORT & DISCOVERY
PLAN

CORPORATION OF THE PRESIDENT OF
THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS,

Defendant.

1. Nature and Complexity of the Case:

Plaintiff alleges he was sexually abused in approximately 1983, when he was 12 years old. Plaintiff alleges the assailant was Paul Lewis, Jr., who was a Scout Master and a member of The Church of Jesus Christ of Latter-day Saints ("Church"). The plaintiff alleges that the defendant was aware of, or should have been aware of, Lewis' risk to children prior to the time plaintiff was abused and, therefore, that the defendant is liable for failing to protect plaintiff from the abuse. Plaintiff additionally alleges that Church members inflicted additional harms on plaintiff by failing to take appropriate action after being notified of the

JOINT STATUS REPORT AND DISCOVERY PLAN - 1 of 5
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1 abuse and by taking affirmative action to influence plaintiff not to talk to the prosecuting and
2 related authorities about the abuse inflicted upon him.

3 Defendant Corporation of the President of The Church of Jesus Christ of Latter-day
4 Saints ("COP") denies: (1) that it had notice that Mr. Lewis posed any risk to children; (2)
5 that COP breached any duty to plaintiff; and (3) that Church members attempted to dissuade
6 plaintiff from communicating with the prosecutor's office. COP also alleges plaintiff's claim
7 is barred by the statute of limitations. In 1997 plaintiff underwent nearly a year of therapy
8 with a licensed psychologist, and thus COP contends plaintiff understood the Scout Master's
9 abuse had caused harm for which he now seeks damages. Finally, COP alleges that plaintiff's
10 injuries were caused not just by the alleged abuse by Mr. Lewis, but also by abuse inflicted on
11 plaintiff by his father, mother and older sister.

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13 **2. Mediation:** The parties anticipate engaging in private mediation after discovery is
14 completed.

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16 **3. Mediation Deadline:** February 1, 2008. Because of the number of legal issues the
17 parties anticipate conducting mediation after close of discovery

18 **4. Proposed Deadline for Joining Additional Parties:** August 21, 2007.

19 **5. Proposed Discovery Plan:**

- 20 A. A Rule 26(f) conference took place on May 7, 2007 and Initial Disclosures are due
21 on May 21, 2007;
- 22 B. Discovery is needed on both liability (notice) and damages. Counsel does not
23 believe that discovery needs to be conducted in phases.
- 24 C. At this time the parties do not believe that any changes will be necessary for the
25 limitations imposed on discovery under the Federal and Local Civil Rules. It is
26 anticipated that the parties will have discovery motions pertaining to the breadth
and scope of the clergy-penitent privilege.

1 D. The parties have already exchanged information and documents, both informally
2 and through formal written discovery. The parties will rely upon the experience of
3 their respective trial counsel to manage discovery, so as to efficiently and
4 economically conduct this case.

5 E. No other orders are requested at this time.

6 **6. Discovery to be Completed:** December 31, 2007.

7 **7. Magistrate:** The parties do not agree that a full-time magistrate judge may conduct
8 all proceedings.

9 **8. Bifurcation:** Bifurcation is not requested.

10 **9. Waiver of Pretrial Statements/Pretrial Order:** At this time, the parties do not
11 request a waiver of any parts of Local Rule CR16, but if such waiver appears to be
12 appropriate as the case develops and if the parties agree upon a waiver, they will apply to the
13 Court for the same.

14 **10. Simplification:** At this time, the parties have no suggestions for simplifying the case,
15 but if a method of simplification appears to be appropriate as the case develops, and if the
16 parties agree upon a method of simplification, they will apply to the Court for the same.

17 **11. Date Case Will be Ready for Trial:** May 5, 2008, and the parties ask the court to
18 schedule the trial on that date.

19 **12. Jury Trial:** Is requested.

20 **13. Length of Trial:** Plaintiff request fifteen (15) court days; defendant requests eight (8)
21 court days.
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1 **14. Trial Counsel:**

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22 **15. Service:** Service has been accomplished.

23 **16. Scheduling Conference:** The parties do not request a scheduling conference prior to
24 the Court's adoption of a case scheduling order.
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26

JOINTLY SUBMITTED this ____ day of May, 2007.

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MALANCA, PETERSON & DAHEIM LLP

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